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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/349,346	07/07/1999	DAVID JOHN STACEY		6530

7590 05/06/2003

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EXAMINER

ABELSON, RONALD B

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 05/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/349,346

Applicant(s)

STACEY ET AL.

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-8 and 10-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 2,3,10,11 and 17 is/are rejected.
- 7) ☐ Claim(s) 4-8 and 12-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

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***Claim Rejections - 35 USC § 103***

1. Claims 2, 3, 10, 11, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito (US 5,541,926) in view of Ono (US 6,470,014).

Regarding claims 2, 10, and 17, Saito teaches a method and apparatus for interfacing frame based TDM telecommunications traffic in which each TDM frame supports a plurality of data structures each comprising one or more channels from a frame based TDM network (figs. 4, 5, STM signals, col. 7 lines 44-46, col. 8 lines 21-26) to an asynchronous network 'ATM' in which traffic is transported in cells or packets (fig. 4 ATM cell flow).

Saito teaches when a threshold value is reached, assembling the data structure into cells or packets for dispatch into the ATM network (fig. 3 box 807, col. 7 lines 4-10).

Saito fails to teach issuing credits at a substantially constant rate and assigning credits to each of the data structures according to the size of the data structure and the credits are assigned/subtracted via a connection control

Ono teaches issuing credits at a substantially constant rate and assigning credits to each of the data structures according to the size of the data structure (multiplexer, credit retaining unit, credit value, fig. 3 box 20a, col. 5 lines 24-

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43), as specified in claims 1, 10, and 17; and the credits are assigned/subtracted via a connection control (fig. 3 box 20a, col. 5 lines 44-48), as specified in claims 3 and 11.

Therefore it would have been obvious to one of ordinary skill in the art, having both Saito and Ono before him/her and with the teachings [a] as shown by Saito, interfacing frame based TDM telecommunications traffic in which each TDM frame supports a plurality of data structures each comprising one or more channels from a frame based TDM network to an ATM in which traffic is transported in cells or packets, and [b] as shown by Ono, issuing credits at a substantially constant rate and assigning credits to each of the data structures according to the size of the data structure and the credits are assigned/subtracted via a connection control, to be motivated to modify the system of Saito by incorporating the sequence designation unit of Ono (fig. 3 box 20a) into the cell assembly device of Saito. This would improve the system by minimizing the maximum delay time for each incoming transmission line since each line is read on each time interval (Ono: col. 4 lines 58-61).

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***Response to Arguments***

2. Applicant's arguments with respect to claims 2,3,10,11,17 have been considered but are moot in view of the new ground(s) of rejection. Regarding independent claims 2, 10, and 11, the examiner agrees with the applicant that Saito does not teach all the limitations addressed in the claims. Therefore, another search was performed.

***Allowable Subject Matter***

3. Claims 4-8, and 12-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 4 and 12, nothing in the prior art of the record teaches or fairly suggests writing the identity of the data structure into free locations in a reverse channel map, in combination with the other limitations listed in the claim.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (703) 308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

*RA*

Ronald Abelson  
Examiner  
Art Unit 2666

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April 30, 2003

*Seema S. Rao*  
*5/1/03*

**SEEMA S. RAO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800**